

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Mimi Corp & Mary Gargano	:	
& the Estate of Mary Gargano	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	
	:	
Underwriters at Lloyds, London, England	:	No.: 02-CV-2726
Defendant,	:	
	:	
v.	:	
	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

ORDER

AND NOW, this day of , 2002, upon consideration of the Motion of Defendant Underwriters at Lloyds, London, England, and responses thereto, it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED**. Plaintiffs are ordered to provide a full and complete response to defendant's interrogatories 3, 4, and 8 and requests for production of documents 4, 5, 7, 8, 9, 19, 21, and 22, within ten (10) days of the date of this Order or risk the imposition of further sanctions.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,	:	
v.	:	
	:	
Underwriters at Lloyds, London, England	:	No.: 02-CV-2726
Defendant,	:	
v.	:	
	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

**MOTION OF DEFENDANT UNDERWRITERS AT LLOYDS, LONDON, ENGLAND
TO COMPEL DISCOVERY ANSWERS OF PLAINTIFFS**

1. This lawsuit arises from a claim for insurance proceeds from a fire loss occurring on May 12, 2000 at a restaurant known as Mimi's, located at 9242 Delaware Avenue, Philadelphia, Pennsylvania.

2. At the time of the fire, the contents only of the restaurant were insured through Underwriters at Lloyds, London, England.

3. Several days after the fire, Underwriters issued a check to the plaintiffs in the amount of twenty thousand dollars (\$20,000) as an initial payment for damages incurred in the fire, and plaintiffs were to submit a final account once those damages were fairly and accurately determined.

4. Plaintiffs hired Additional Defendant Young Adjustment Company, a public adjustment company in the business of assisting people and entities in preparing claims to submit to an insurer to recover for losses suffered in a covered incident, in this case the fire at Mimi's.

5. Additional Defendant Gregory R. Coe was employed by Young Adjustment Company and assisted the plaintiffs in preparing their claim for submission to Underwriters.

6. Defendant, Underwriters at Lloyds, London, England, has asserted that the insurance claim submitted by the additional defendants and the plaintiffs was grossly inflated and without the necessary documentation to support the claim.

7. On June 11, 2002, counsel for defendant, Underwriters at Lloyds, London, England, forwarded discovery requests to counsel for plaintiffs. A copy of the June 11, 2002, letter is attached as Exhibit A.

8. Included in the discovery requests forwarded by defendant were interrogatories, and a request for production of documents. A copy of the interrogatories and plaintiffs' answers to same is attached hereto as Exhibit B; a copy of the request for production of documents and plaintiffs' response thereto is attached hereto as Exhibit C.

9. On July 15, 2002, counsel for defendant, Underwriters at Lloyds, London, England, forwarded a letter to counsel for plaintiffs seeking responses to the discovery requests forwarded on June 11. A copy of the July 15, 2002, letter is attached as Exhibit D.

10. Plaintiffs have provided incomplete answers to the discovery requests, as outlined below.

11. Plaintiffs have failed to provide any response to the following interrogatories:

3. List all vendors supplying food to Mimi Corporation for the year prior to May 12, 2000, along with their addresses and phone numbers.

8. Provide a list, along with addresses and phone numbers of all employees of Mimi Corporation as of May 12, 2000.

12. In addition, plaintiffs have failed to provide an adequate response to the following interrogatory:

4. State the phone number of Fine Line Seafood, along with the name of the person who you have business dealings with at Fine Line Seafood.

Answer provided: "Herb. - owner."

13. Plaintiffs have failed to provide any response to the following requests for production of documents:

4. Copies of all correspondence between Mimi Corporation, any representatives or employees of Mimi Corporation, any Corporate Officers of Mimi Corporation, and Young Adjustment and/or Gregory Coe.
5. Copies of all videotape of the damaged premises or damaged property or any and all relevant videotape to this litigation.
7. Copies of all correspondence between any officers, employees, or agents of Mimi Corporation and any government agency included but not limited to, the police department, the building inspector, the health inspector, and/or any other government agency.
8. Copies of all tax returns filed by Mimi Corporation for five years prior to the accident to the present.
19. A copy of the Agreement of Sale for the business and/or property owned by Mimi Corporation.
21. Copy of the last inventory prepared by Mimi Corporation prior to May 12, 2000.
22. Copy of the books kept by Mimi Corporation prior to May 12, 2000.

14. In addition, plaintiffs have failed to provide an adequate response to the following request for production of documents:

9. Copy of the contract between Mimi Corporation and Young Adjustment Company.

Answer provided: "Contact Young Adj. Co."

15. The information requested by the defendant is necessary to permit defendant to properly prepare a defense for trial and is solely within the knowledge and control of the plaintiffs.

WHEREFORE, defendant, Underwriters at Lloyds, London, England, respectfully request this Honorable Court to enter an Order compelling plaintiffs to provide answers responsive to interrogatories 3, 4, and 8 and requests for production of documents 4, 5, 7, 8, 9, 19, 21, and 22, within ten (10) days of the date of the order or risk the imposition of further sanctions.

Respectfully submitted,

GIBLEY AND McWILLIAMS, P.C.

By: _____
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Dated: September 9, 2002

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Defendant,	:	
	:	
v.	:	
	:	
Young Adjustment Company, Inc. and	:	
Gregory R. Coe	:	
Additional Defendants.	:	

CERTIFICATE OF SERVICE

I, John Reed Evans, Esquire, hereby certify that a copy of the attached Motion of Defendant Underwriters at Lloyds, London, England To Compel Answers to Discovery of Plaintiffs has been served upon the following individual by first class, United States mail, postage pre-paid, this 9th day of September, 2002.

Norman W. Briggs, Esq.
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GIBLEY and McWILLIAMS, P.C.

By: _____
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Underwriters at Lloyds, London, England
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CERTIFICATE OF GOOD FAITH

The undersigned counsel for movant hereby certifies and attests that he has had the contacts described below with opposing counsel regarding the discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so.

Description:

June 11, 2002 letter forwarding discovery requests.

July 15, 2002 letter requesting response to discovery requests and self-executing discovery pursuant to F.R.C.P. Rule 26.

CERTIFIED TO THE COURT BY:

John Reed Evans, Esquire
Attorney for Defendant,
Underwriters at Lloyds, London, England